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15 CafePress Inc. formerly known as CafePress.com, Inc.

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

19 SAN FRANCISCO DIVISION

22 THE DR. HUEY P. NEWTON
23 FOUNDATION, INC.,

24 Plaintiff,

25 vs.

26 CAFEPRESS INC.,

27 Defendant.

Case No. CV-11-04208-SI

**STIPULATION AND ~~PROPOSED~~
ORDER RE: EXTENDING THE
DEADLINE FOR HOLDING THE
INITIAL CASE MANAGEMENT
CONFERENCE AND RELATED
RULE 26 DEADLINES**

1 Plaintiff The Dr. Huey P. Newton Foundation, Inc. ("Plaintiff") and
2 Defendant CafePress Inc. ("CafePress") hereby stipulate, subject to the Court's
3 approval, that the date for the initial case management conference be continued
4 from December 16, 2011 to **Friday, January 27, 2012 at 2:30 p.m.** As set forth in
5 the accompanying Declaration of Shannon S. King, the parties have good cause for
6 stipulating to an extension of this date under Fed. R. Civ. P. Rule 16(b)(4) and L.R.
7 16-9 based on the following:

8 1. As a result of the scheduling conflicts of the parties and the mediator,
9 the parties have stipulated, and requested that the Court approve, the continuance of
10 the ADR deadline in this case to accommodate the parties' mediation on January
11 26, 2011, pursuant to the concurrently filed separate stipulation and proposed order.
12 The parties are hopeful that the mediation will be successful, in which case the
13 initial case management conference would be unnecessary. The parties believe it
14 would be unwise to expend their and the Court's current resources on an initial case
15 management conference which may later become moot as a result of a successful
16 mediation. Moreover, the mediation may result in the parties narrowing the issues
17 in this case which would also simplify the initial case management conference.

18 2. The continuance of the initial case management conference to January
19 27, 2012 would significantly reduce plaintiff's litigation expense by enabling its
20 counsel to make only one round-trip journey from New York to San Francisco
21 rather than two separate trips to attend the mediation and case management
22 conference..

23 3. This is the first extension of pretrial deadlines requested by the parties
24 in this litigation.

25 THEREFORE, the parties stipulate and jointly request that initial case
26 management conference be continued to Friday, January 27, 2012 and that all
27 associated dates including deadlines pursuant to Rule 26 and L.R. 16-9 be
28 continued accordingly.

Respectfully Submitted,

Dated: December 2, 2011

THE LAW OFFICE OF ROBERT J.
BERNSTEIN

By: /s/ Robert J. Bernstein
Robert J. Bernstein

Attorneys for Plaintiff
The Dr. Huey P. Newton Foundation, Inc.

Dated: December 2, 2011

MANATT PHELPS & PHILLIPS LLP

By: /s/ Shannon S. King
Shannon S. King


Attorneys for Defendant
CafePress Inc. formerly known as
CafePress.com, Inc.

Pursuant to General Order No. 45, Section X(B), Shannon S. King hereby attests that concurrence in the filing of this document has been obtained from Robert J. Bernstein.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the initial case management conference is continued from December 16, 2011 to Friday, January 27, 2012 at 2:30 p.m.

Dated: 12/6/11



Honorable Susan Illston
U.S. District Court Judge

DECLARATION OF SHANNON S. KING IN SUPPORT OF STIPULATION

I, Shannon. S. King, declare as follows:

1. I am an attorney-at-law, a member in good standing of the State Bar of California, and an associate at the law firm of Manatt, Phelps & Phillips, LLP, counsel of record for defendant CafePress Inc. formerly known as CafePress.com, Inc. ("CafePress"). I have personal knowledge of the matters set forth in this Declaration and if called upon to testify, I could and would testify competently thereto. This Declaration is submitted in support of the stipulation to extend the deadline for holding the initial case management conference and related Rule 26 deadlines.

2. The parties have stipulated, and requested that the Court approve, the continuance of the ADR deadline in this case to accommodate the parties' mediation on January 26-27, 2011, pursuant to the concurrently filed separate stipulation and proposed order.

3. On information and belief, the continuance of the initial case management conference to January 27, 2012 would significantly reduce plaintiff's litigation expense by enabling its counsel to make only one round-trip journey from New York to San Francisco rather than two separate trips to attend the mediation and case management conference..

4. This is the first extension of pretrial deadlines requested by the parties in this litigation.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed this 2nd day of December, 2011 at San Francisco, California.

/s/Shannon S. King
Shannon S. King